



(21)

DEPARTMENT OF STATE

Washington, D.C. 20520

CONFIDENTIAL

TO: The Acting Secretary *b* August 12, 1969  
THROUGH: S/S  
FROM: AF - David D. Newsom *h*  
SUBJECT: Nigeria/Biafra: Utilization of US Origin Red Cross C-97 Aircraft - ACTION MEMORANDUM

The attached memorandum sets forth AF's viewpoint on the issue of the 4 C-97 ICRC aircraft.

With regard to the possibility that the ICRC may seek to transfer these planes to either the JCA or the French Red Cross, we recommend:

(a) that we not interfere with transfer to the JCA; and

(b) that if the ICRC seems disposed to transfer any of these aircraft to the French Red Cross, we immediately take the matter up with the French to see what they may have in mind; AF believes the FMG reaction to the transfer to the French Red Cross would be less manageable than their reaction to the transfer to JCA.

Clyde Ferguson's office recommends a completely hands-off position, i.e., that as long as the 4 C-97's are used solely to support the relief activities of the ICRC, we cannot object to its operator or agent, whether JCA or French Red Cross. (The wording of his option is attached.)

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AF:WWitman:ls 8/12/69  
*Witman*

*Pol 27 Biafra-nigeria  
Pol 27-9 Biafra-nigeria  
Soc 3 Nigeria*

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DECLASSIFIED  
Authority VND 959503  
By MVA Date 10/5/00



DEPARTMENT OF STATE

Washington, D.C. 20520

CONFIDENTIAL

TO: The Acting Secretary August 12, 1969

THROUGH: S/S

FROM: AF - David D. Newsom *DDN*

SUBJECT: Nigeria/Biafra: Utilization of US Origin Red Cross C-97  
Aircraft - ACTION MEMORANDUM

Situation

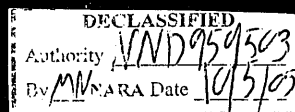
The International Committee of the Red Cross (ICRC) has, so far, been unable to negotiate a compromise agreement between Nigeria and Biafra for daylight relief flights into the Biafran enclave. The major sticking point remains the FMG insistence on touchdown in Federal territory. This the Biafrans refuse to accept. The ICRC seems to have adopted the view, increasingly held by others as well, that the FMG has decided not to authorize any relief operations. Therefore, the ICRC now appears determined to perform its humanitarian task even if it must go beyond the legal restrictions of the Geneva Conventions and violate Nigerian sovereignty. However, it seems unlikely that the ICRC will itself conduct illegal flights into the Biafran enclave. What is likely is the transfer by the ICRC of its aircraft to the Joint Church Aid (JCA), flying from Sao Tome, and/or to the French Red Cross flying from Libreville. Both of these are night operations regarded as illegal by the FMG. Such a transfer would involve the four C-97 stratofreighters sold by the US last January to the ICRC. The transfer might take place as early as August 20 as the ICRC appears to believe that by that date famine conditions will be recurring within the enclave. Transfer of the four ICRC C-97's to either JCA or the French Red Cross would undoubtedly provoke a hostile reaction on the part of the FMG. On the other hand, it would probably be viewed domestically in this country as a reasonable way of augmenting the airlift so as to prevent mass starvation of children in the Biafran enclave.

The four aircraft were sold to the ICRC at a scrap price of \$3670.00 each. Four others were sold to the JCA at the same time, and a fifth was sold when one of the original four JCA C-97's crashed. We have since refused to sell any more to either ICRC or JCA for fear of further provoking the FMG. The purchase agreements included a provision by which the purchaser agreed to offer to return the aircraft

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*PL 27 Biafra - Nigeria*

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to the United States Air Force when they were no longer needed for the purchaser's relief activities and prior to offering them for sale. If the Air Force does not accept the offer to return them, the aircraft may be disposed of by the purchaser. The agreement also included a proviso that the aircraft would not be transferred to any person or organization without further negotiations, that they would be used to transport relief supplies only, and that none would be used to carry arms or military equipment. AID's preliminary legal opinion on the extent of our control over any form of transfer of these aircraft is that it is complete.

Current Actions

Although there is probably little prospect of success we intend taking a number of steps to try to bring about the initiation of daylight flights. These include (1) urging ICRC President Naville to return to Lagos in an attempt to induce the FMG to agree to a compromise on touchdown and inspection; and (2) a joint demarche with the British, if they can be persuaded to do this, to the FMG that it cannot allow its concern at prosecuting the war to permit it to contribute to the death by famine of innocent children. At the same time, we will attempt to induce the ICRC to postpone any turn over of its aircraft at least until the conclusion of the Cross River relief route discussions, which are scheduled to resume August 25th, and certainly no earlier than September 1.

Possible Future Courses of Action

Option 1 - That we take such measures as are available to us to prevent the ICRC from transferring its aircraft to any other relief agency.

Consequence -- If we do this we will avoid a probable hostile reaction of the FMG should these US-origin aircraft be utilized in what the FMG considers an illegal airlift which violates its sovereignty. However, such action by the US could be expected at the same time to generate a great public outcry in this country as well as to arouse severe criticism abroad.

Option 2 - That we refuse to acquiesce in any transfer of the aircraft to the French Red Cross for operations out of Libreville, but that we do not attempt to impede their transfer by the ICRC to the JCA for operation out of Sao Tome. Introduction of the ICRC C-97's into the Libreville operation would subject us to accusations of augmenting the arms lift into Biafra, inasmuch as arms and relief supplies are comingled in that operation. However, operations under the JCA would constitute merely an augmentation of the present JCA airlift, in which the USG is already involved and for which we have already supplied four other C-97's.

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By not opposing augmentation of the JCA airlift we would be permitting the church group to bring in enough relief goods to prevent a recurrence of famine in the enclave.

Consequence -- Doing this would have wide support in this country and would be consistent with our frequently expressed humanitarian concern that the innocent not suffer in the war. It would, however, expose us to a very hostile reaction from the FMG. This reaction would undoubtedly take the form of heated diplomatic protests and angry editorializing in the press. Radio and TV would also weigh in heavily and help stimulate a wave of anti-American feeling because we would allegedly be assisting the rebellion. While physical retaliation against Americans resident in Nigeria or against American diplomatic, consular and information establishments is possible, it is probable that the FMG would not permit such demonstrations to get out of hand.

It is possible, however, that the Federal reaction could take a more extreme form. If this happened an attempt might be made to acquire a real interdiction capability. At that point one or more of the C-97's might be shot down by the Nigerian Air Force and the crew, mainly American, killed. There could, as a consequence of this, be a snowballing anti-Nigerian reaction within the US. If the FMG really decided to improve the night-fighting capability of the Nigerian Air Force, it might offer the Soviets an opportunity to provide radar, night-fighter aircraft and perhaps even pilots, with the FMG at that point willing to pay whatever Soviet price was asked.

We would hope to minimize the FMG reaction by a frank discussion as soon as possible after any ICRC transfer decision became known to us. We would make the point that although there might be some legal basis for our attempting to prevent such a transfer, in all conscience we could not do so as we were convinced that the whole purpose of the transaction was to feed starving children.

If we follow this course of action it is likely that the short-run beneficiaries will be the Soviets, but in the long-run we must be able to point to our own unblemished record in minimizing the suffering caused by the war.

Recommendation

That we pursue policy Option 2 above, thus doing our best to maintain the flow of relief while recognizing that our relations with the FMG are likely to suffer.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

AF/W:DSSpigler  
AF/W:GBSherry:ba 8/11/69

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Clearances:  
AF-Amb. Witman  
O/CF-Amb. Ferguson  
AID/AFR-WHNorth

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By MNARA Date 10/5/05



DEPARTMENT OF STATE

Washington, D.C. 20520

CONFIDENTIAL

TO: The Acting Secretary

THROUGH: S/S

FROM: U/CF - C. Clyde Ferguson, Jr. *CF*

SUBJECT: Ambassador Newsom's Memorandum Concerning  
the Utilization of the C-97's Sold by the  
U.S. to the ICRC ACTION MEMORANDUM

Discussion:

I must regretfully dissent from Ambassador Newsom's memorandum which proposes two options for the Undersecretary. Our recommendation with regard to the problem raised in that memorandum would be to add the following:

Option Three: As necessary, the USG should take the position with all concerned that so long as the four C-97's are used solely to support the relief activities of the ICRC, the USG cannot object to the operator or agent selected by the ICRC. At the same time, we should consult with the ICRC on the best and most rational utilization of the planes keeping in mind that JCA would still like to obtain two additional C-97's.

Rationale: It is doubtful that JCA could absorb four additional C-97's on Sao Tome without disrupting the international character of that airlift and turning it into an American operation. We do not consider that it would be advisable for the operation on Sao Tome to become a de facto American airlift.

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*PL 27 Briefing - high level*

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Furthermore, we see difficulties in saying on the one hand that the same contract provisions prevent ICRC from turning its planes over to the French Red Cross but not to JCA. Alternatively, we would have to admit that we have control in both instances, but have decided that the planes should go to JCA rather than be withdrawn from relief activities, which the FMG would desire.

From the point of view of FMG reaction and safe operation, the French airlift seems to enjoy some immunity and has been virtually ignored by the FMG. While the FMG would undoubtedly protest vigorously through diplomatic channels the turnover of the planes to the French Red Cross, they might not mount a public press campaign against the turnover since they are obviously unwilling to attack the French.

Finally, it is our considered opinion that the ICRC has already made a deal with the French, and we would be in the position of breaking up this deal, this jeopardizing further our relations with the ICRC and damaging the spirit of cooperation we have developed with the French. It is also not certain that we could prevent the turnover to the French Red Cross assuming that title is not involved. Provided the planes are used in ICRC's relief activities, we have no right other than to be consulted before the transfer. The right to be consulted is of dubious value.

Until more facts are known, we doubt that we should take any position which does not allow us maximum flexibility.

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Recommendation:

It is recommended that for the reasons stated above you approve the statement of position outlined in paragraph two above.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

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By	MM NARA Date 10/5/05

DEPARTMENT OF STATE  
THE LEGAL ADVISER

(21)  
CONFIDENTIAL

(4)  
August 12, 1969

MEMORANDUM FOR THE ACTING SECRETARY

THROUGH: S/S

FROM: L - Carl F. Salans **CFS**

SUBJECT: Nigeria-Biafra ICRC Transfer of C-97s  
INFORMATION MEMORANDUM

The question has been raised whether the United States has control over the transfer by the ICRC of certain US-origin C-97s. The United States supplied these planes to the ICRC for purposes of humanitarian relief in Biafra. The exchange of letters effecting the transfer is attached at Tab A.

The following provisions of the United States letter are relevant:

"...the purchaser agrees to offer to return the aircraft to the United States Air Force when they are no longer needed for the purchaser's relief activities in West Africa or elsewhere and prior to offering them for sale."

"It is expressly understood that the aircraft will not be transferred to any person or organization other than the designated recipients without a further negotiation...."

In its letter of response, the ICRC stated its understanding that:

(7) "The air-force reserves the right to repossess the aircraft after termination of relief operations, i.e., when the aircraft are no longer required. No other transfer of ownership is envisaged."

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POL 27  
# 506 3 Red Cross  
# POL 27-9  
Biafra - Nigeria  
Nigeria

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From these provisions, I conclude that if the ICRC intends to transfer title to the C-97s, it must obtain the permission of the United States.

However, if the ICRC intends to transfer only the use of the aircraft, by lease or otherwise, a fair reading of the exchange of letters would be that no United States permission is required so long as the aircraft were being used for the same purposes for which they were originally sold to the ICRC, i.e., for relief activities "in West Africa or elsewhere."

L:CFSalans:gb  
8/12/69

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By	MM NARA Date 10/5/05

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE  
WASHINGTON, D.C. 20330



(21)  
Mr. Roger Gallopin  
International Committee for the Red Cross  
7 Avenue De La Paix  
Geneva, Switzerland

Review 2-12  
ICRC

Dear Mr. Gallopin

The Department of the Air Force has been authorized, pursuant to section 607 of the Foreign Assistance Act of 1961, as amended, to sell to International Committee for the Red Cross, hereafter "purchaser", four C-97G cargo/transport aircraft, on the following terms and conditions:

- a. General Description of Property. The aircraft to be sold are four each Boeing C-97G four-engine cargo/transport aircraft, Air Force serial numbers 52-0925, 52-2626, 52-0857, and 52-2734.
- b. Condition. The aircraft are expected to be in flyable condition at time of transfer, but are sold on an as-is, where-is basis without any warranty, express or implied, other than warranty of title. They will be equipped for overseas operations under Air Force standards.
- c. US Air Force Markings. Before the aircraft are flown by the purchaser, all distinctive USAF markings on the exterior of the planes will be completely obliterated by the U. S. Air Force. All interior markings, not essential for identification of equipment, may be removed by the purchaser. Markings required for maintenance or servicing of the aircraft will not be obliterated.
- d. Compliance with Civil Aviation. Regulations - Purchaser is responsible for securing certificate of airworthiness for export under civil aviation regulations. Within 10 days of obtaining civil registrations, the purchaser will inform the Government of the civil registration number of each aircraft, identifying that number with the Air Force serial number formerly assigned to the aircraft, if different.
- e. Documentation. Each aircraft will contain complete aircraft records and technical manuals for use in flight. In addition, the Air Force will furnish one set of current C-97G maintenance technical manuals without charge.
- f. Transfer to Purchaser. Possession of the aircraft will be transferred to purchaser at White Plains Air National Guard Base, New York on or about January 25, 1969. Title will pass to purchaser when purchaser's representative signs a DD Form 1149. Purchaser will have one working day thereafter to remove the aircraft from the Air National Guard Base.

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g. Liability. The Government shall not be responsible for loss, damage, injury or death arising out of possession or the use of these aircraft after title passes, and the purchaser will hold the Government harmless with respect to any claims arising out of such possession and use.

h. Consideration. The price for each aircraft is \$3,670. In addition, the purchaser will be responsible for the cost of any goods or services that the Government may agree to provide.

i. Offer to Return. In consideration of the above price, which represents the scrap value of the aircraft, the purchaser agrees to offer to return the aircraft to the United States Air Force when they are no longer needed for the purchaser's relief activities, in West Africa or elsewhere, and prior to offering them for sale. If accepted by the United States Air Force within 10 days, the purchaser agrees to fly the aircraft to a destination designated by the Air Force. The purchaser will be responsible for the cost of flying the plane from the place where it is located when the offer is made to the East Coast of the United States, or for a distance comparable thereto, and the Air Force will be responsible for the cost of the balance of the flight, if any. Except as provided in the previous sentence, there will be no charge to the Air Force for returning the aircraft. If the Air Force does not accept the purchaser's offer to return one or more aircraft, they may be disposed of by purchaser for his own account.

j. Enroute Supply and Maintenance Kit. To support the aircraft covered by this transaction, the Air Force will supply with them a "supply and maintenance spares kit" to contain those items of spare parts, including spare engines, normally associated with the operation of these aircraft for a 90-day period away from their home base. While that kit cannot be expected to contain all items which might be required, since that is not predictable, it would include those items which Air Force experience indicates will probably be required during that period of operation. This kit will be delivered with the aircraft without further charge with the purchaser's agreement that when the aircraft are subject to return to the Air Force in accordance with Paragraph i above or not more than one year after delivery to purchaser, all items in the kit will be returned to the United States Air Force in approximately the same condition as when delivered to the purchaser or USAF will be paid at the standard stock list prices, including such standard prices for overhaul of items returned in repairable condition. However, it is understood that at that time of return a review will be made of the supply status of any items which have been used and if such items are excess to the requirements of the United States Air Force, only scrap value will be paid. Beyond this initial supply kit, it is understood that the purchaser will obtain all required supply and maintenance support from commercial sources.

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k. Acceptance and Implementation. It is expressly understood that the aircraft will not be transferred to any person or organization other than the designated recipients without a further negotiation; and further that the aircraft will be used to transport relief supplies only and that the designated recipients will ensure that none of them are used to carry arms or military equipment. You are requested to signify your acceptance of this proposal on these conditions by signing in the space provided below. The undersigned, of the Directorate of Aerospace Programs, Telephone OX 5-4906, will serve as liaison officer to work out the details of transfer.

Sincerely

*Joseph D. Cooper*  
JOSEPH D. COOPER, Colonel, USAF

The offer to sell four C-97G aircraft on the terms and conditions set out above is accepted.

Signature

*Heinz K.*

Title

*Managing Director Swiss Red Cross  
and Delegate of Int. Red. Com.*

Address

*BASEL. Switzerland.*

0264



COMITÉ INTERNATIONAL  
DE LA  
CROIX-ROUGE

1207-000  
CC. JP  
CICM  
OPE

(21)

Geneva, February 5, 1969  
PEB/MRO

Gentlemen,

We refer to the meeting held in the office of Mr. Haven North, on January 12, 1969 regarding the purchase by the ICRC, at a nominal price, of 4 US Stratofreighters, type C-97-g, under the following conditions :

The ICRC shall use the 4 stratofreighters solely for humanitarian purposes, namely for the transport of foods, medical and essential relief supplies into Nigerian and Biafran controlled areas in accordance with the policies and practices of the ICRC. It is anticipated that the ICRC will co-operate with other relief organizations in such operations.

The air-force reserves the right to repossess the aircraft after termination of relief operations, i.e. when the aircraft are no longer required. No other transfer of ownership is envisaged.

The ICRC shall give every facility to the Nigerian authorities for inspection of cargo by them. Meanwhile, the International Committee will be continuing to press for daylight flights into the Biafran-held areas.

State Department  
Washington, D.C.  
U.S.A.

Vol 27 Biafran Nigeria

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2.

We are convinced that the ICRC must find a way to build up the operation of the 4 US stratofreighters, on the basis of official permits and we believe that suitable legal arrangements can be made with the U.S. and Swiss authorities regarding the issue of the relevant permits and licences for maintenance and flight personnel.

In this connection, the ICRC shall make the necessary arrangements for the availability of ground equipment. As regards technical arrangements, ICRC requires the full assistance of the US airforce, in order to get the needed spare parts and engines and special tools.

Every information concerning the operation of the aircraft will be given to the A.I.D., and it will be a pleasure to operate in very close liaison with the US Mission in Geneva.

Sincerely yours

*Pierre Basset*

Pierre Basset  
Assistant Director

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By	MMNARA Date 10/5/05

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DEPARTMENT OF STATE

Memorandum of Conversation

3  
DATE: May 12, 1969

SUBJECT: Commonwealth Secretariat and Nigeria

PARTICIPANTS:

✓  
Yaw Adu, Deputy Secretary General of the Commonwealth Secretariat

Joseph Palmer 2nd, Assistant Secretary for African Affairs  
C. Robert Moore, Deputy Assistant Secretary for African Affairs  
George B. Sherry, AF/W

COPIES TO:

AF (2) Amembassy Lagos  
AF/W (3) Amembassy London  
Amembassy Addis Ababa

In response to a question from Mr. Palmer as to a possible role in the Nigerian crisis for the Commonwealth Secretariat, Adu said it is very difficult for them at present to take any initiative as neither side would welcome it. The FMG appears at present unwilling to go beyond the OAU orbit and the Biafrans regard the Commonwealth Secretariat as a tool of the British Government. The Biafrans are also resentful of the fact that in his testimony before a Select Committee of the Canadian Parliament Arnold Smith denied that genocide was the intent of the FMG. Nevertheless, said Adu, Arnold Smith feels that the Secretariat should be doing something to help bring about a settlement of the conflict.

Mr. Palmer suggested that the ConCom meetings to date have been too formalistic and too rigid for meaningful negotiations to take place. Adu observed that the Kampala meetings were, as the Commonwealth Secretariat had proposed, quiet discussions with no specified terminal point, but this didn't work out either. He felt the Secretariat is not really geared to backstop quiet diplomatic efforts and that, in any event, the Biafran leadership is presently unwilling to take part in secret meetings with the Nigerians where they might have to take responsibility for unpopular decisions.

Mr. Palmer suggested that notwithstanding the present attitudes of both sides, it might be possible for representatives of the Commonwealth Secretariat to visit both sides and attempt to persuade them to come to the negotiating table. Adu indicated that the Secretariat had tried this approach before the war broke out but not since. He said it might be time to try again.

AF/W:GBSherry:zha 5/13/69  
(Drafting Office and Officer)

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Mr. Palmer also suggested to Adu that continual effort should be made to impress upon the FMG the need for them publicly and unequivocally to give out the details of the arrangements that they intend to make for the security of the Ibos. Doing this might enable the FMG for once to seize the propaganda initiative and such publicity could not but have some effect within Biafra.

Adu indicated that he thought these suggestions of Mr. Palmer had merit and he would discuss them with Arnold Smith when he returned to London with a view toward another Commonwealth initiative.

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By	MM
NARA Date	10/5/05



THE WHITE HOUSE  
WASHINGTON

5959

SECRET/NODIS

April 15, 1969

MEMORANDUM FOR

THE UNDER SECRETARY OF STATE

SUBJECT: Biafra

Enclosed is the record of a recent conversation between Ambassador Ahoua of the Ivory Coast and David Rockefeller on the general subject of Biafra. In order to protect the source and the sensitive information contained in the memorandum, I would appreciate your restricting it to your immediate office.

Henry A. Kissinger

Enclosure

②

NODIS REVIEW	
Cat. A - Confirmed removed;	
Referred to O/PADRC	
Cat. B - Forwarded to O/PADRC	
with source's name	
and date	
Cat. C - Confirmed and not fully	
returned by S/S	
Reviewed by: Ambassador W. Wilmon, II	
Date:	4/22/69

W.A.

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By	MMNARA Date 10/5/00

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Conversation with Ambassador Ahoua of the Ivory Coast

Mr. Ahoua came to see me at the request of President Houphouet-Boigny whom he saw a few days ago in Geneva. He wanted to bring me up to date on several points he had discussed with me at a previous meeting a few weeks ago.

(1) President Houphouet-Boigny believes that the Biafran problem is becoming increasingly important as the Soviet influence in Nigeria is gaining ascendancy over the British influence. Houphouet-Boigny believes that the present Nigerian regime no longer has full control of the government and that aid to Biafra is important in stopping the spread of Soviet influence in Nigeria.

(2) Houphouet-Boigny says the Soviet strategy in West Africa is to work with the UAR on the Moslem populations of Northern Nigeria and the other Saharan states which are Moslem. Arabic rather than English is now being taught in many of the schools in the northern region.

(3) According to Houphouet-Boigny, Prime Minister Wilson sent a confidential emissary to see him to discuss and get suggestions as to how Britain could disengage from her firm commitment to Nigeria since Britain also is now beginning to fear the rise of Soviet influence.

(4) Houphouet-Boigny has been having secret conversations with the governments of South Africa and Rhodesia in an effort to persuade them to support Biafra. The South African Government has agreed to such support and is providing a credit of \$2,000,000 for supplies and food for the Biafrans. This aid will not be revealed officially and will not go through International Red Cross sources. The South African Government justification is based on concern of the Soviets' growing influence in Nigeria and their feeling that it would be just as well for the Biafrans to remain independent of this influence.

(5) The relations of the Ivory Coast Government and the South African Government are becoming increasingly cordial. Their

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discussions have related particularly to the Biafran question but are also related to possible reopening of diplomatic relations between the two countries. At present, Houphouet-Boigny proposes to defer such recognition till after November when his Congress will meet and when he will have a chance to prepare the country for such a move. It is his belief that South Africa is rethinking their international relations more along political lines and less along racial lines. He believes that this could have an impact on their attitude to apartheid over a period of time.

(6) President Houphouet-Boigny feels that Assistant Secretary Palmer is so committed in his attitude toward the Nigerian Government that he is taking a rather rigid position on the question of Biafra. He feels that a new look on the whole question of Biafra and Nigeria is badly needed and that a change in the department would be helpful.

(7) President Houphouet-Boigny is now less sanguine about other African nations recognizing the South African Government promptly than he was earlier. This is due partly to the fact that most of the leaders do not have too strong a position in their countries and some of them are Marxist oriented. He believes, however, that there will be a gradual evolution in this direction. He specially indicated that President Zinsou lacks authority in Dahomey, one reason being that a large part of his population is Uruba, which is tied in with the northern region of Nigeria.

(8) The other countries which are presently helping Biafra are France, Gabon, Tanzania, Zambia and Israel. Houphouet-Boigny believes that Tunisia will be recognizing Biafra shortly.

(9) Dr. Dike of Biafra, who saw me at the request of President Houphouet-Boigny a few weeks ago, will be returning to the United States in a week or two with certain concrete proposals.

David Rockefeller

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By	MMNARA Date 10/5/05

AF/W:RJWach:vc:1/14/69 LIMITED OFFICIAL USE  
(Drafting Office and Officer)

DEPARTMENT OF STATE

Memorandum of Conversation

DATE: Jan. 11, 1969.

SUBJECT: Participation of Ethiopian Red Cross in Nigerian War;  
South African Concern Over Communism in Nigeria

POL 27-9 Biafra - Nigeria  
PARTICIPANTS: Count Carl-Gustav von Rosen  
Countess von Rosen

Mr. Lee Auspitz, Ripon Society Forum  
Raymond J. Wach, AF/W

COPIES TO: AF - Mr. Palmer Lagos  
Amb. C.R. Moore AF/S  
AF/W - Mr. Melbourne AF/NE  
INR AFR/CWA/AID - W.H. North

1. Count von Rosen said the Emperor had suggested that the Ethiopian Red Cross send relief personnel (about 50) to work on both sides of the lines in Nigeria. Ethiopia is under pressure from several African states to "do something" about the suffering in Biafra and adjacent Nigerian areas, and Count von Rosen had agreed with the Emperor that involvement of the Ethiopian Red Cross was an effective way to help.

2. The Emperor and the Head of the Ethiopian Red Cross, who is also private secretary to HIM (H.E. Minister of Palace Afo Teffara Kidane Wolq), were strongly in favor of the project. The Emperor, said Count von Rosen, is willing to make a public declaration in favor of the project and is willing, if necessary, to proceed with it without FMG concurrence.

3. Count von Rosen said that the economic depression of Ethiopia at the moment made it impossible for the IEG to finance the Ethiopian Red Cross to the extent necessary. He asked if the USG could offer to help financially and as soon as possible. The technical capabilities of the IRC was probably adequate. He said that the Ethiopian Red Cross was formerly headed by a competent and popular Swedish citizen who is still available to return as a consultant. In any case, it would be good to have Africans involved and make relief in Nigeria less of a white man's interest. The Emperor supported this position and was in addition disturbed over Africa's (and his) failure to

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AF/W: R J Wach: vc

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date to alleviate the suffering.

4. Count von Rosen was told that his suggestion was already under study as a result of Ambassador Hall's report (Addis 85). In addition to technical problems currently under review, Ethiopian participation in relief work inside Biafra would expose Ethiopians to some personal danger as Biafrans believe the OAU and HIM supported Nigeria. There was also the danger if we helped with finances, of the Emperor appearing to be acting on behalf of the USG or the international relief agencies. On the positive side, the Emperor's concern was valuable and the presence of African relief personnel on both sides would have beneficial results.

5. Count von Rosen said that he thought the Ethiopian Prime Minister and Foreign Minister would be reluctant to let the IEG be involved and he had avoided them in his consultations about this project. He had submitted a memorandum directly to HIM on the Nigerian war, reporting his belief that Biafra would survive and the people would never return to Nigerian rule. In discussing relief proposals, he defended Biafran reluctance to allow daylight relief flights (he claimed Biafra was receiving daylight arms flights and could not neutralize Uli airfield during the day) and Biafran refusal to accept certain land corridors (he said Biafrans used mines cunningly tunneled under the asphalt; they could not be asked to abandon their only defenses against the British armored cars). General Neggah had submitted a memorandum to HIM "on purely military lines" stating that eventually Biafra would be defeated; Count von Rosen had disputed this to HIM.

6. On other matters, Count von Rosen said that an FMG victory might pose a security problem for Ethiopia in that it would advance communism in Africa. He said that South Africa was concerned over communism, and had offered him money to train a Biafran air force. He had refused and to his knowledge Biafra had refused offers of overt South African assistance as being incompatible with their objectives. Count von Rosen thought that Ojukwu might be deposed by less fastidious Biafrans if his refusal to accept South African aid resulted in serious setbacks for Biafra. Mr. Auspitz remarked that in 1964, when he was in Lagos, a German named Ludwig Schaetzle studied Nigerian oil markets for the Ministry of Development. Mr. Schaetzle's report had pointed out that South Africa was Nigeria's best oil market as Libyan oil and possibly North Sea oil would be more competitive in Europe. This was before

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the quality of Nigerian oil was known, of course, and this as well as the Middle East war of 1967 might have changed factors, but it remained plausible that South Africa would regard a defeat of Biafra as a dangerous increase in communist influence in Africa. Count von Rosen agreed that South Africa wished to support Biafra more effectively than Col. Ojukwu would allow at the moment.

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*Intelligence*  
*Note* - 953

December 9, 1968

To : The Secretary  
Through: S/S  
From : INR - Thomas L. Hughes *TH*  
Subject: Britain Moves to Break the Nigerian Stalemate

15945

*# 953*  
*Intelligence Note*

British ministerial-level officials are meeting in London today to put the finishing touches on a series of moves that the Wilson Government hopes will hasten a Federal Nigerian victory in the eighteen-month-old civil war while giving some protection from domestic criticisms of its pro-Lagos policies.

Saving Biafra's Lifeline. British policy makers are convinced that Federal forces have almost no chance of breaking the two-month-old military stalemate and bringing the war to an early end so long as Biafra continues to receive munitions at the current rate, with French support, of some 100 tons per week over its airborne lifelines. Presumably, this reasoning has led INR to arrange for the clandestine recruitment of British pilots to fly Nigerian fighter-bombers. (The British official who told us of the plan to recruit pilots for Nigeria also stated that his government would not officially inform the United States Government of the operation. Publicly the UK Government still asserts that it will not supply "decisive" amounts of weapons to Lagos.)

*Pol 27*

*Biafra - Nigeria*

(2)  
Diplomatic Activity Also. At the same time, the UK is considering sending top-level Labor Government officials to consult with Federal Commander-in-Chief General Gowon and Biafran leader Colonel Ojukwu on renewing peace

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negotiations, on condition that Biafra accept the concept of "one Nigeria" in some form. Though the British see almost no chance that Ojukwu would consent to negotiations under those terms, they probably hope that their consultations with both sides will quiet the domestic clamor for an embargo on arms shipments to Lagos and will demonstrate that they have done everything possible to end the war by negotiation. Whether the British emissaries that the UK will tell Ojukwu/is determined to bring the war to an end in one way or another, we do not know; the answer may depend in part on just how determined the British really are.

Too Little Too Late? If the UK wishes to tip the military balance in favor of Federal Nigeria reasonably soon, it probably must be prepared to do more than just contribute a handful of pilots to try to make Biafra's major air strip unuseable, though there is one report suggesting that this is what the British have in mind. The Biafrans are experts at repairing the strip and they have other strips near readiness that they could fall back on if necessary. The most logical step--though it would cause widespread indignation among relief agencies--would be for Lagos to threaten to shoot down any aircraft going into Biafra at night, while permitting properly identified relief flights during the day. Whether the British are prepared to back Lagos to that extent, however, is difficult to guess. But Biafra, meanwhile, appears to have better defensive capabilities than for many months and now has the ability to carry out limited, but psychologically important, offensive operations.

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Classification SECRET/EXDIS Control No. 15945 Date 12/9/68

Description Mem Con between: The Secretary of State and S/S and INR/  
Thomas L. Hughes. SUBJECT: Britain Moves to Break the Nigerian  
State. DATED: December 9, 1968.

Distribution Approved By: S/S - RL Brown Date 12/10

Distribution Made By: Paul Wabington/ pc Date 12/10/68

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DEPARTMENT OF STATE

Memorandum of Conversation

DATE February 14, 1968

SUBJECT: Relationship Between Goldstein & Associates and the "Republic of Biafra"

PARTICIPANTS: Mr. Robert L. Goldstein, Goldstein & Associates; 13940 Sherman Way; Van Nuys, California;  
Tel: 213 - 781-4976  
Mr. Robert P. Smith, Country Officer, Nigeria  
Mr. Charles Gustafson, L/AF

COPIES TO: AF Amembassy Lagos  
AFW Amembassy London  
L/AF Amembassy Lisbon  
EUR/SPP  
INR/RAF  
INR/DDC

On February 13 Mr. Goldstein telephoned from Los Angeles and stated that he was going to be in Washington on the following day and would like to call on the Nigerian Desk Officer. Mr. Goldstein began the conversation by describing the "tremendous success" of his efforts to generate favorable publicity for the rebels by arranging the visit to "Biafra" of a number of American and European correspondents during the last week of January. He wanted to talk to me, he said, because as a loyal American citizen, he had no desire to "hurt" the U.S. Government. He was simply a public relations expert whose job was not to make news but to help his clients obtain useful publicity. He had a contract with the "Biafran" Government that was arranged by Matthew Mbu, the "Biafran Commissioner for External Affairs". Despite his original desire only to "make a dollar", he admitted that he had now become "emotionally involved" in "Biafra's" cause and was deeply concerned about Soviet involvement on the Federal side. His next step was to return to "Biafra" in March to direct the filming of a documentary for use in the United States and other countries. He then reiterated his statement that he wanted to check with the State Department to make certain he was not "hurting" the USG.

I explained U.S. policy toward the Nigerian conflict, handed him a copy of the Department spokesman's February 5 statement and stressed that the actions of some American citizens had caused us serious embarrassment and complicated further our relations with the FMG. More specifically, Mr. Goldstein's well-publicized participation in arranging the airlift of foreign journalists to "Biafra" (which ran the FMG blockade) was regarded by many Nigerians as further evidence of U.S. support for the Ojukwu regime. It therefore seemed clear that Mr. Goldstein's past activities on behalf of "Biafra", as well as his

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planned return to do the documentary, were in fact embarrassing to the USG and contributing to anti-American feeling in Nigeria.

Mr. Goldstein was obviously unimpressed with the February 5 statement and said he was already aware of USG policy. He felt, however, that his activities, while perhaps embarrassing to us, could hardly be described as doing "serious harm" to the United States.

I then told Mr. Goldstein that we owed him an obligation as an American citizen to stress again that we had specifically warned all American citizens against traveling to "Biafra", that we did not recognize the rebel regime and could offer no consular protection of any kind should he return there. I stressed that there were elements of physical danger in his planned return trip, a danger which seemed to be increasing daily as FMG determination to sever the lifeline represented by these clandestine flights increased. Further, with the military and economic noose tightening around the East, it is quite possible that he and the film crew might be unable to get out of "Biafra"--even if they succeeded in getting in. Mr. Goldstein's response to this was "I'm certain that my friend Hank Warton will find some means of getting me out." Mr. Goldstein said he was not at all bothered by the element of danger, that he was fully aware of the risks involved and was prepared to run them if he decided to go back.

I then asked him how he could be certain of collecting on his contract with a non-recognized rebel government which may not exist much longer and which in any case is already facing a serious financial crisis? Goldstein admitted that he had thus far received only \$12,000 from the "Biafrans". He added, however, that he had been given "one million pounds in negotiable bonds" by the "Biafrans", out of which he would certainly be able to get his "cut". He then showed me two certificates, one for £200,000 payable in 1968 and the other for £800,000 payable in 1973, which, while bearing a stamped signature of a Nigerian Central Bank official, seemed to be payable to the "Ministry of Finance of Eastern Nigeria".

I questioned the authenticity and the true value of these documents and said I did not share his view of their value. He responded, without great conviction, that the two documents would have to be redeemed "some day by someone". He added that he was going to see the World Bank later in the day in this connection. I again expressed my doubts that he would in fact be able to collect on his contract or on the "bonds". Goldstein responded that he was aware of the financial danger in his position and would not pay for the forthcoming documentary film out of his own pocket. He would not proceed to "Biafra" in March, he said, unless he had been paid cash in advance. Mr. Goldstein showed me briefly several other documents he had from "Biafran" authorities, including one authorizing him to "raise funds" on the basis of the two "bonds" mentioned above.

Mr. Goldstein said he had established very close and warm relations with Ojukwu personally. In response to my statement that we continued to hope for negotiations, he modestly offered his help to the USG by stating he could talk

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Ojukwu into negotiations "tomorrow" if only we would say the word and make the arrangements on the other side. He also claimed that one (unspecified) foreign country "in the Western Hemisphere" had already agreed to recognize "Biafra" and was only awaiting the agreement of one other country to do so before making its announcement. Goldstein was confident that recognition by these two countries would soon be forthcoming. To my comment that this was not in accord with our own information, Goldstein said that I was simply out of touch with reality. When I repeated that FMG forces seemed to be pushing south from Enugu, for instance, Goldstein ridiculed the statement and claimed he had been taken not only to Onitsha only two weeks ago but had also been driven to "within five miles of Enugu". He was convinced "Biafra" could and would hold out against the FMG and said Ojukwu's vigorous and popular leadership of a united people would prevail in the long-run. He believed that by giving the true "Biafran" situation world publicity he was performing a useful and humanitarian service--even if it was embarrassing to the USG.

I said we could not tell Goldstein what to do but felt it our duty to warn him that his activities were in fact embarrassing to the USG and to advise him strongly against returning to "Biafra". To do so would run a serious risk to himself and to his film crew. I urged him to consider again whether his activities, by creating false hopes in "Biafra" of an aroused and sympathetic world public opinion, might not in fact be prolonging the conflict and cost additional lives in the long-run. He did not accept this and said he believed his activities might well save lives by exposing the true situation.

In response to my question, he confirmed that he had registered as a foreign agent with the Department of Justice and agreed to get in touch with me again before returning to "Biafra", assuming the advance "Biafran" payment is forthcoming. (L/AF has learned subsequently from Justice that Goldstein had in fact submitted registration forms but that they were not satisfactory and have been returned to him for further details).

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DEPARTMENT OF STATE

Memorandum of Conversation

DATE: June 3, 1967

SUBJECT: Legal Advisers to GOEN

PARTICIPANTS: Mr. Walter S. Surrey - Surrey, Karasik, Gould and  
Mr. Seymour J. Rubin Greene  
Mr. Norman Vander Clute

COPIES TO: Mr. Roy M. Melbourne, AFW  
Mr. Charles Runyon, L/AF  
Mr. Charles H. Gustafson, L/AF

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L/AF (4)	AmConsulate Enugu
AID/AFR	AmConsulate Kaduna
AID/GC	AmConsulate Ibadan

Mr. Surrey said that his firm had been retained by Aggrey Oji on a two month trial basis to provide legal services only for the Government of Biafra. Oji is now a "Special Representative." They had met with Oji and his public relations advisers, Ruder and Finn, earlier this week. He had registered his firm under the Foreign Agents Registration Act with a disclaimer of any role other than that of legal advice.

Mr. Surrey said that the firm would be concerned, among other matters, with: (1) advising on legal requirements for and aspects of recognition; (2) advising on the legal problems arising out of economic involvements with foreign governments and nations and international organizations such as World Bank and GATT; (3) advising on the legal aspects of refugee problems; and (4) establishing facts and attitudes with respect to these problems by appropriate consultations and inquiries, at least initially in the United States.

Mr. Rubin said that he would be going to Europe on other business next week and that he might visit Enugu through the Cameroons. If he decides to make such a visit, he will advise us.

Mr. Surrey said that the firm was operating under a "watching brief".

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At this time they were engaged primarily in identifying legal problems that are likely to arise for the new regime. While interested in the explanation of the USG position of non-recognition of Biafra, the firm is not seeking recognition and would regard such a request as a political matter. In the course of the conversation, he stated that Oji had said the East remains interested in the possibility of special relationships with the rest of Nigeria and even with other areas in West Africa. He mentioned common tariffs and passports as examples.

Mr. Melbourne stated fully the USG position of continuing recognition of the FMG as the Government of Nigeria. He said that because of this the Department had refused to see Oji and would continue to do so. In response to questions from the visitors, he said that it was hard to predict what would ensue in Nigeria. He expressed our continuing concern that Nigeria have peace. He said that our immediate concern was, of course, for the protection of American citizens in Nigeria, and he referred to the limited evacuation that was now taking place. In answer to a question by Mr. Vander Clute, he said that AID projects had not been suspended on a regional basis and pointed out that the evacuation at this time affected only dependents.

Mr. Vander Clute mentioned that they would be concerned with such problems as oil payments, and AID contract and guarantees, and that they would be exploring these problems further. He expressed their desire to talk with Department and AID officers about these problems at some point on a purely information basis. Mr. Melbourne said, however, that the sole point of contact should be with L/AF. Mr. Melbourne emphasized that our contacts with the de facto authorities in the East are being conducted by the American Consul in Enugu and that we would intend to continue handling our day-to-day practical problems in that way as long as it is possible to do so.

At the conclusion of the meeting, Mr. Gustafson emphasized that this and any other meeting would have to be wholly informal and solely for the exchange of relevant information. It would imply no willingness of the Department to negotiate with representatives of Biafra and would not be a proper matter for publicity of any sort. The visitors agreed.

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UNITED STATES GOVERNMENT

# Memorandum

TO : AF - Ambassador Palmer

DATE: May 17, 1967

FROM : INR/RAF - Oliver L. Troxel, Jr.

SUBJECT: Nigerian Contingency Planning: Eastern Nigerian Succession to  
Bilateral Treaties

While we would look to L for the US position on the rights and responsibilities of a state formed by the secession of any part of Nigeria, we have drawn on an analysis by Kenneth J. Keith of the Victoria University of Wellington to help us judge what attitude a seceding regime might take toward its treaty obligations.<sup>1</sup>

The basic position. It seems generally agreed that whether or not a regime succeeds to the treaties of the state from which it has seceded is a question of treaty interpretation rather than of general rules of international law. In the last analysis, if a state concludes on achieving independence that a treaty becomes inequitable, it can always plead rebus sic stantibus -- that a fundamental change of circumstances has voided the treaty.

The relevant factors. Secession does not, however, inevitably result in a "fundamental change of circumstances" affecting the treaty. New states often succeed to treaties. Indeed, the pattern of acceptance of certain kinds of treaties has been sufficiently pronounced to suggest that there is some measure of obligation to continue to comply with certain kinds of treaties. (Keith goes so far as to speak of "customary international law.") The relevant factors seem to be (a) the nature and function of the treaty, (b) the method of secession, and (c) the circumstances in which the treaty had been concluded.

Types of treaties. According to Keith, the succession to alliances is universally denied, and he is doubtful that a convincing case can be made for an obligation to continue military agreements, including base agreements. He finds a division of opinion on extradition treaties and on agreements for the peaceful settlement of disputes. In the doubtful cases, the method of secession or the circumstances in which the treaty had been signed appear to have been important. He sees a pattern of continued compliance with respect to treaties on trade, air transport, taxes, postal matters, technical and economic assistance, investment guarantees, and the abolition of visas.

1. "Succession to Bilateral Treaties by Seceding States," The American Journal of International Law, Vol. 61 No. 2, pp. 521-546.



INR/RAF

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Oliver L. Troxel, Jr.

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Some African examples of succession. The examples available to us are largely of colonial dependencies spinning off rather than independent nations breaking up. It is of interest, however, that the majority of African states that have become independent since 1945 followed the pattern Keith describes. Ghana considers that the air transport agreement, trade agreements, agreements on visas, extradition treaties and all nine tax agreements that were applicable to it before independence remain binding. Former French West African and French Equatorial African states have continued their double taxation conventions. Agreements with UN Specialized Agencies have typically continued in force, and the same is true of US aid, Peace Corps, and Fulbright agreements. Senegal has made the distinction between treaties that are and are not continued after independence with great clarity: it informed France that political treaties of guarantee, alliance, neutrality, arbitration or mutual assistance were no longer recognized, but that other bilateral agreements were continued, subject to the right of denunciation. By now, we have a situation generally in Africa in which treaties signed prior to independence are considered valid by the African state "provided that such treaties or agreements have not been expressly denounced by it or tacitly abrogated by a text replacing them." (This particular formulation is Congo-Brazzaville's.) In some cases, of course, the agreement was negotiated by nationalist leaders before independence with the consent of the metropole (e.g., the Peace Corps agreement with Tanganyika) or contained provisions specifically terminating it on independence (e.g., Libya's technical assistance agreements).

African examples of a modified position. Tanganyika, Kenya, Uganda, Malawi, and Burundi recognized, either explicitly or by implication, that it is customary to continue most treaties, but declared that their continuation was contingent on reciprocity and limited to a specific period of time -- which, in at least one Tanganyikan case, was extended beyond the initial two-year period specified.

African examples of rejection. Algeria and, with some inconsistencies, Upper Volta denied the continuity of their treaty obligations. The Upper Volta position does not seem to provide a useful precedent. (Details on request.) The Algerian case is, however, a good reminder that the attitude of a state which has achieved independence with difficulty may be very different from that of a colony which secured the consent of the metropole.

And what of Eastern Nigeria? As long as Ojukwu continues to believe that his interests are best served by an image of respectability, he is likely to favor a continuation, *mutatis mutandis*, of Nigeria's treaty obligations in the East. The more difficulty he has in achieving independence, however, the more he would be likely to feel justified in taking sweeping advantage of *rebus sic stantibus* to rid himself of

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any obligations he regarded as onerous. The treaties now in force would probably create no serious practical problems for him; in fact, their continuation and acceptance by the other party would facilitate his achievement of international status. As it stands now, therefore, it seems likely that he would denounce treaties of the kind usually continued only because of real or supposed political grievances against the other party arising from the circumstances leading to independence.

cc: INR/DDR - Mr. Evans  
AF/AFW - Mr. Melbourne

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